**ROJESTVENSKY** CUTS

## THE GOVERNMENT WANTS REHEARING

Of Cases Involving Construction Of President's Philippine Tariff Order of July 12, 1898.

PETITION U. S. SUPREME COURT

Atty .- Gen. Moody Criticizes the Reasoning of Justice Holmes, Disagreeing With Him.

Washington, May 17 .- A petition of the government for a rehearing in the ases of the United States vs Peabody Co. and the United States vs Warner, Barnes & Co., involving the construction of the president's Philippine tariff order of July 12, 1898, was submitted to the supreme court of the United States today. The petition was presented by Solicitor-Gen. Hoyt and vas supported in a brief by Atty.-Gen.

The case was decided a few weeks ago adversely to the contentions of the United States, and the decision was accepted by the government as calculated to impose no inconsiderable burdern on the treasury. The attorney-general concludes his statement as fol-

The reason for the importance to government of the ground on which a case is to be decided, if it must be this case is to be decided, if it must be decided in favor of the complainants, is that there are, doubtless, claims amounting to more than \$1,000,000, on which suit was not brought before July 1, 1902, the date of the ratifying act, but on it suits have been and will be brought in view of the present decision of the court. For these reasons we think it of the utmost importance to the government that an opportunity should be given for a reargument, in which the question of construction and ratification may be given a much fuller consideration, in view of all of the history of this legislation, than, as it is respectfully submitted, it has heretofore had."

d."

In his petition Mr. Hoyt recalls the open that the decision was besed upon the light and the decision was besed upon the light and the cases are fundamentally different. The court held that the presists order expired by its own terms on the war with Spain came to an least the solicitor-general says:

It is difficult to see why, because the "It is difficult to see why, because the exercise of the war power was initiated under a foreign war, it ceases at the end of that war and does not extend on into a much more serious war, simy because the territory was domestic, entertain this view, it seems to me, to disregard the doctrines laid down the civil war cases, which unqualir for which the government con-in dealing with an insurrection-

ary war in domestic territory.

The president consciously and intentionally imposed the order on the new war, and was not misled into unknowingly giving an authority in blank. There cannot be the slightest doubt about this. The commanding general and the subgriduate officers accedent and the subordinate officers acted li times in strict accordance with the

To Be.

To Be Well.

То Ве Нарру.

To Be a Wife

To Be Good Looking.



the Philippines. The government is convinced, he says, that Congress intended to ratify all that was done by the executive authorities in the Philippines. After extending this argument at some length by way of giving reasons for the rehearing, Mr. Hoyt concluded:

"Without magnifying the case, it is possible, I think, that while the opinion of the court strikes down only the tariff on merchandise from the United States, the legality of the entire structure of civil government after the ratification of the treaty is involved, and may be desired hereafter relative to other features not now presented or foreseen, if the court adheres unqualifiedly to the logic of this opinion. this opinion.

of this opinion.

"The court would not regard as controlling either the large amount of money involved or the fact that the claimants added the duties to the price of their goods. But it is worth while to point out (as accentuating the great importance of this case) that the refunds called for under the decision of the court will reach the sum of \$7,000,000, and that this vast sum will be paid in large part, to claimants, many paid, in large part, to claimants, many of them aliens, who, as public records show, were, on the whole, opposing rather than supporting the authority of the United States.

In his brief, Atty, Gen. Moody reviews the conditions existing when the order was issued, and he deals in detail with the effect of the order and tall with the effect of the order and the amendments to it, showing that under these orders duties were levied on all goods going into the Philippines from the United States. Discussing Justice Holmes' decision as to whether the act of 1892 had the effect of ratifying the collection of tariff under the president's order, the attorney general save:

"It is difficult to follow the reasons "It is difficult to follow the reasoning of the learned justice. The section
approves 'The actions of the government of the Philippine Islands,' taken
in accordance with the provisions of
said order and subsequent amendments.' He says That the approval of
the action of the authorities is confined
to those which were in accordance with
the order which, as we have already inthe order which, as we have already in timated, the collection of these duties was not."

"With deference the approval is not confined to those actions in accordance confined to those actions in accordance with the order, but is expressly and exindustria extended to include those which were taken in accordance with subsequent amendments. It is possible that actions taken in accord with subsequent quent amendments are to be excluded from remedial effect of the statute because they were not in accord with the original order? Why add the words subsequent amendments at all?"

Romaine Retracts Confession.

The court's inquiry, says Mr. Hoyt, was not exhaustive, and the stress of the case rests upon the intention of Congress in ratifying the acts done in

at Topeka, Kan., last September, implicating the Western Federation of Miners in the Independence depot explosion of June 6, last year, by which 13 miners were killed, and a number of others maimed for life. Romaine now declares there is no truth in the statement which he made in the hope of thereby securing his freedom, and the particulars of which, he says, were furnished him by a man from Cripple Creek, who visited him in jail, gave him \$5, and promised him more money, Rosentaling and the says of the s \$5, and promised him more money, Romaine is now serving a term in prison at Lansing, Kan., for burglary.

NAN PATTERSON'S COUNSEL A. Levy Says He is Through

With the Case for All Time. New York, May 17.—Abraham Levy, who defended Nan Patterson during her trials for the murder of Caesar Young, announced today that he had withdrawn from the case, finally and

absolutely,
Mr. Levy said he understood that
Miss Patterson intended to accept an
offer from a theatrical manager, and
added that he strongly disapproved of such an action,

such an action.

"I wish to announce that my connection with the case has ceased for all time," he said. "I put in nearly a year of arduous and patient work, and after I had accomplished the purpose of my retainer and secured my client's discharge from custody, my hands were cleared. I am through with the Nan Patterson case. That cannot be put tou plainly."

MATRIMONIAL AGENCY. Chicago Detectives Arrest Three

Persons Conducting One.

Chicago, May 17.—In a raid made to-day upon the "Belmont Corresponding club," an alleged matrimonial agency at 12-14 State street, detectives arrested three persons and seized several thousand letters and photographs. The prisoners gave the names of Oscar Wells, "Doc" Mosh and M. Felcher, They were charged with disorderly conduct and were released under bonds to appear to morrow Priore Justice Prindeville.

The pelice say the "club" has done a large business. The prisoners would ot discuss their arrest.

CASSIE CHADWICK She Makes a Statement Concern.

ing Her Affairs

Cleveland, Ohio, May 17 .- Mrs. Cassie L. Chadwick made a statement to the representative of the Associated Press tonight concerning her affairs in which she said:
"Since Jan. 1, 1901, I have had \$3,210,000. Of this amount I borrowed not
over \$900,000, the remainder coming

from a trust fund and some sales.
"In April or May, 1901, I owed only
\$53,000. I paid that debt. I was then
induced to make an investment which
called for almost \$400,000. I took no called for almost \$400,000. I took no security for this investment, and the transaction so far as I was concerned never materialized. The investment was made upon the advice of a friend. "In February, 1902, after my return from Europe, I was informed that my investment was a loss and that I was in debt \$400,000. Besides that sum there was an additional loss which I had incurred of \$200,000. In order to meet these obligations I made large loans for which I paid heavy commissions.

"I have borrowed in all \$900,000, I obtained \$175,000 on my own note. A loan of \$240,000 was secured by me on the endorsement of a prominent New Yorker. The other \$400,000 I have mentioned before,"

AUTOMOBILE ACCIDENT.

Kram Has Coller Rone Broken Near Goldfield.

Goldfield, Nev., May 17,-Chas, A. Kram, law clerk in the treasury depart-ment at Washington, D. C., was thrown from the automobile stage on the road from Goldfield to Tonopah this morn-ing and received a compound fracture of the collar bone and other injuries. This is his second automobile accident this menth. In Denver two weeks ago his chauffeur drove his machine into City Park lake, Mr. Kram jumping just in time to save himself.

J. G. Sweeney, attorney-general of the state of Nevada, arrived at Goldfield today after having had a walk 27 miles because of an automobile break down between Bullfrog and Goldfield.

GAMBLING HOUSE FOR WOMEN One in West 43d St., New York, Raided by Detectives.

New York, May 8.—A gambling house for women has been raided in West Forty-third street by city detectives. Gaming tables, roulette wheels, racing charts and telephones were confiscated and the only man found on the prem-

ises was arrested on charges of con-ducting the place.

A dozen or more handsomely garbed A dozen or more handsomely garbed women were leaning excitedly over the tables when the police entered. With screams of alarm they ran to all parts of the building. Some escaped over the roof, but the others were found in closests and in the coal cellar. They pleaded hard for mercy, and after taking their addresses and reading them a severe lecturing the police allowed them to go. A big crowd which had assembled on the street, jeered the women as they passed out.

Apparently the place was formerly a pool room, but had been fitted up with gambling paraphernalia so the habitues

gambling paraphernalia so the habitues might find diversion between the races.

WHIPPING POST LAW. One for Oregon Wife Beaters Effective Today.

Portland, Or., May 18 .- The "white Portland, Or., May 18.—The "whipping post law," passed by the session of the legislature January last for the punishment of wife beaters, goes into effect tolay in this state. The new law provides that a man convicted of wife beating may be punished with whiping, not exceeding 20 lashes, but this is only an additional punishment and not the exclusive punishment by fine or imprisonment is still in effect under the new law.

According to the law, the whipping is conducted within the walls of the county or city jail, and by the sheriff of the county or by a regurarly appointed panceman, as the was may be,

Deaths From Plague at Harbin. Lendon, May 18. -According to the Telegraph, a severe epidemic of the plague has broken out at Harbin, and the deaths resulting therefrom average 30) daily.

Otto Kroeschell's Body Found.

For several months Mr. Kroeschell had shown symptoms of mental aberra-tion according to his family. It is sup-posed that he either fell accidentally into the river while wandering or com-mitted suicide in a fit of derangement.

ruising along the Annam coast on the ruising along the Annam coast on the ruiser Guichen, returned here today. According to the reports gathered concerning the Russian fleet Admiral Receivensky showed absolute disregard of the discussions on the subject of cutrality. COMMUNICATIONS

The Russian commander proceeded The Russian commander proceeded is if his position gave him complete in-dependence. He declared that he acted in his own judgment and said that cri-clems do not change his opinions, ron discipline, it is added, was main-alned on board the Russian warships, Now on Final Stage of Journey to

NAVAL ACTION EXPECTED.

Tokio, May 18, Noon-The reported eparture of Vice Admiral Rojestven-ky from Honkoe bay northward re-ews the popular expectation of a na-

ving filled his coal bunkers, and t

issume the aggressive, if he so res. It is the opinion of some the ojestvensky may make a demonstra on in the vicinity of the islands

'onfirmation of this report is, however

JUNCTION OF FLEETS MADE.

TEA

very prosperous; so much

The American trade is not

Your grocer returns your money if you don't like

GARDNER DAILY STORE NEWS

Thin underwear

is the first step to

comfort as the

sultry days ap-

Taking the past

'Tis time to take !

We can give it

And as good as

All of the good

light weight kinds.

ONE PRICE.

J. P. GARDNER

THE QUALITY STORE.

it is thin, 50c to

\$10 the suit.

to you as thin as

few days as an

proach.

indication,

you like

that step now.

rritorial waters.

going in an easterly direction,

FIGHT MAY OCCUR ANY TIME.

His Goal, Either Togo or

Vladivostok.

On Military Side Indications Are for Another Great Battle Very

St. Petersburg, May 18, 2:40 a. m .-With a suspicious stoppage of dispatches from Manchuria and a strong possibility that Vice Admiral Rojestvensky has cut his last communications with home and set forth on the final stage of his journey to his goal, either Togo or Vladivostok, keen interest is manifested in naval and military circles here on the two-fold field Through the admiralty, which has

been completely glient since the advent of Rojestvensky in the China sca. publishes no dispatches, the conviction is growing that the united squadrons, as indicated by the Associated Press on May 15, departed from the Annam coast immediately after their junction, and naval officials are anxiously expecting news of the first skirmlisics between scouts of the hostile fleets,

Capt. Clado confirmed the statement capt, Clado confirmed the statement of the Associated Press that the vessels of both squadrons are equipped with apparatus for cleaning their bottoms at sea. He said it was entirely possible for Vice Admiral Nobogatof to put the last finishing touches to the vessels of his division during the most value interval when they were last nysterious interval when they were o sight before passing the straits

Neither the admiralty nor individual officers have any information regard ing the rumored request of Vice Adral Rojestvensky to be relieved, and ral Rojestvensky to be relieved, and all who were questioned regarding the report expressed doubts of its accuracy. It was pointed out that it would be entirely impracticable for the fieet to delay in the China sea until the arrival of Vice Admiral Birlioff, and it was lectared that Rojestvensky will keep his flag flying as long as he is not utterly incapacitated for command, which would then naturally devolve on Vice Admiral Voelkersam, who is known as an officer with a Teutonic thoroughness and attention to the fine details of his profession. He is also a notable strategist and theoretician.

The Associated Press was informed late last night that Vice Admiral Birlioff will be sent to Viadivostok, which possibly accounts for the origin of the rumor of Rojestvensky's request to be

rumor of Rojestvensky's request to be relieved of his command. On the military side the indications are that events are rapidly shaping for the preliminary stage of another great battle. The Russian army has been re-fitted and is ready for action, and it is asserted that Gen. Linevitch is not the man to waste days in inaction.

A further mobilization of cavalry in one or two districts was ordered today, but no large draft is required, as reinforcements for the cavalry arm are at hand in the recently embodied Cossacks, whose departure for Manchuria was postponed in anticipation of May day troubles, the most of whom can now resume the trip eastward. A small but important detachment will leave St. Petersburg today to join Gen. Line. vitch's army.

BUSY SCENES IN MANCHURIA. Gen. Oku's Headquarters, May 14, 3 p. Gen. Oku's Headquarters, May 14. 3 p. m. (via Fusan).—The railway has been completed and is being operated as far as Tisling, temporary bridges replacing those that were destroyed. Work is being apidly pushed north of Tieling and material for permanent bridges is arriving from Japan. Thousands of junks are carrying supplies on the Liariver, between Newchwang and Tieling. ROJESTVENSKY'S HEALTH.

St. Petersburg, May 17.—Very disquieting reports are in circulation this evening about Vice Admiral Rojestvensky's Lealth. It is said that he has teles graphed to the emperor that it is impossible for him to proceed. An evening paper prints a report that the admiral suffers from a nervous break-

down.
No official confirmation of the report that Rojestvensky has requested to be relieved from duty is obtainable at the relieved from duty is obtainable at the admiralty. Nevertheless, the admiral's health has been the cause of considerable anxiety here. It is well known that he suffered from kidney trouble before leaving Cronstadt, and throughout the long voyage to the east he suffered at times to such an extent that he had to be carried about on a stretch-

er.

But the Russian commander stuck bravely to his post. If he is now compelled, on the eve of battle, to give up his command, the admirally would regard it as little short of a national miss forture.

Rojestvensky has proved to be a general command.

ius as an organizer, and confidence is felt that he would show equal ability as a fighter. Should Rojestvensky be compelied to leave the fleet, the command would devolve on Rear Admiral Volkersam, who is now with Rojestve, saky

DISREGARDED NEUTRALITY. Saigon, Cochin-China, May 17 .-- Ad-miral de Jonquieres, the French naval

The Perfect Way.

Scores of Salt Lake City Citizens Have Learned It.

If you suffer from backache, There is only one way to cure the kidneys.

A bad back means sick kidneys. Neglect it, urinary troubles follow. Doan's Kidney Pills are made for kid-

Are endorsed by Salt Lake City people. Robert C. Kirkwood, engineer on the

Oregon Short Line R. R., residence 424 West Fourth South, says: "Like most men who follow the occupation I do, the jarring and joiling of the engine the jarring and joiling of the engine causes a constant strain on the small of the back, and a lameness, soreness and aching is the result. I suffered severely at times with my back and on more than one occasion I have been relieved by the use of Doan's Kidney Pills, procured at the F. J. Hill Drug Co.'s store. Not only can I speak postively about the preparation myself, but Mrs. Kirkwood derived so much benefit from the use of the remedy that we both look upon it as of great value. I will be pleased to tell others about the merits of Doan's Kidney Pills."

For sale by all dealers. Price 50

For sale by all fealers. Price 50 cents. Foster-Milburn Co., Buffalo, N. Y., sole agents for the United States.
Remember the name—Doan's—and

MORO OUTLAW PALA. He Has Been Killed and Troops Trail His Followers.

Manila, May 18 .- News has been reeived that Pala, the outlaw More hief, who has been pursued the past wo weeks on the island of Jolo by two weeks on the island of Jolo by troops under the command of Gen. Leonard Wood has been killed. His few surviving followers are being trailed by the troops. At the beginning of the uprising Pala was reported to have a following of 600 well armed men, most of whom have been killed.

Joe Jefferson's Birthplace Sold. Philadelphia, May 18,-Joseph Jeffer-on's birthplace has been sold at aucion for \$8.125. It is a three and one. Itles which he declared to be revolute

half stories stone building at the south-west corner of Sixth and Spruce streets. Some years ago a plan was formed to purchase the property and hold it as a Jefferson museum but the idea was dropped.

AT CONEY ISLAND.

Censorship Established Over Exhibition of Freaks.

New York, May 18,-For the first time n the history of Coney Island a censor. ship has been established over the exnibition of freaks and amusements there. An employe of the Brooklyn license bureau will exercise this func-tion. He has already withheld permits from the managers of several monstron-





For Friday and Saturday!



The Biggest Special in Ladies' Shirt Waist Suits at \$2.00 Each.

Our entire stock of new 1905 shirt waist suits, consisting of mercerized suiting in the new shepard plaid, Pergian lawns and fancy materials, very elaborately trimmed with fancy washable braid, all made in the newest style and pattern. Sizes 32, 34, 36, 38, 40, 42 and 44. These sults were bought to retail at \$5.50, \$4.95, \$4.00, \$3,50 and \$5.00. For Two days only your choice



CORSETS—Any of the Premier "Bon Ton" W. B. and Worcester High Grade Corsets. Any values up to \$8.00 pair. Three \$1.50

One pair to a customer only. 

Only one pair to a customer. MEN'S HOSE-Black Mace Cotton with Embroidered Colored Silk Stripes, selling at 20c the pair. Three hours, per

Three pairs to a customer only. 

BED SPREADS—The Full Size Marseilles Bed Spreads that will cost you \$1.35 and \$1.50 anywhere in the city, Three hours **896** 

10 yards only to a customer. We shall give all day a coupon entitling bearer to one sitting for photograph by Mr. Newcomb, with every \$2,00 purchase.

New York Cash Store.



## BARTON'S SPRING SALE NOW ON

BARGAINS THAT ARE GOING RAPIDLY. Pure linen collars, regular 150 ...... 81-30 Men's Hats, \$2.50 grades, at .....\$1.05

Men's Hats, \$3.50 grades, at ..........\$2.85 75c neckwear, all shapes ......39c Fancy Hosiery, 13c values, at.........8 1-3c Men's Underwear, \$1.50 grades......98e Men's Shirts, 75c values .....49c Men's Monarch shirts, \$1.50 kinds .... \$1.00 Suspenders, 50c grades .....19c Handkerchiefs, 15c regular, at ...... 8 1-3c

Fancy Vests, \$2.25 grades, at .....\$1.60 Fancy Vests, \$3.50 grades, at .........\$2.69 Men's Pants, \$2.25 grades, at .........\$1.63 Men's Pants, \$3.50 grades, at .....\$2.65 Men's Pants, \$4.50 grades, at ......\$3.65 Boys' Shirts, 75c kinds, at ......49c

20% Discount on Boys' Suits. Irish Linen Handkerchiefs, 35e regular, at. 190

\$14.85 High-class Suits, Handsome Fabrics and Elegantly \$14.85 Tailored, worth \$18.50, \$20.00 and \$22.50, going at EVERY SUIT GUARANTEED.

BARTON & CO. MAIN STREET.

Your Money Returned

& ..... O ..... "Come and Let Us Reason Together."

Most of the women who are deprived of any or all of the above-named rights are suffering unjustly and need-

More than forty years ago Dr. R. V. Pierce learned this and made it the chief business of his life to find and restore to them their lost treasure—HEALTH. It had been frittered away by impression would be a seen for the processing treasure. ignorance, prejudice and wrong

DOCTOR PIERCE FOUND IT BY DIG-DOCTOR PIERCE FOUND IT BY DIG-GING-first, for knowledge of the true cause of woman's suffering, then in cause of woman's suffering, then in MOTHER EARTH for the best remedy, for NATURE WAS LIBERAL in her pro-Since alcoholic stimulants and medi-

ines made with alcohol have been found so injurious in female cases Dr. TERCE'S TISSUE-BUILDING AND FUNC-N-INVIGORATING METHOD OF TREATcerning Dr. Pierce's world-famed famcle result from the minimum of medicles (thus avoiding disturbance of the
stomach's functions), has been steadily
increasing till the popularity of his
"FAVORITE PRESCRIPTION" induced him
to put it within the reach of the multitudes who were (and are) clamoring
for it and now it is known all over the
world as cines (thus avoiding disturbance of the stomach's functions), has been steadily increasing till the popularity of his "FAVORITE PRESCRIPTION" induced him to put it within the reach of the multi-tudes who were (and are) clamoring for it and now it is known all over the world as

DOCTOR PIERCE'S

A Real Physician A Real Practice.

and patients seldom know or care what

proportions with other remedies good effects are decidedly increased.

To refute the many false and malici-MENT, using only vegetable agents prepared without alcohol and so combined and adjusted as to secure the maximum

very working day in the year, where risitors may see process of manufacture.
The best MEDICAL SPECIALIST ADVICE

A Real Prescription written and used by

It is not usual for physicians to give much publicity to their prescriptions

FAVORITE PRESCRIPTION.

This is not and never was a "patent medicine" but is



DR. R. V. PIERCE, of Buffalo, N. Y.,

and Mother. SPECIALIST IN WOMAN'S DISEASES.

WOMAN'S RIGHTS ARE MANY:

Many of Them are Not in the Enjoyment of Their Rights!!

HOW SHALL THE LOST BE REGAINED ?

on of remedies for the healing of children, since alcoholic stimulants and medies made with alcohol have been combined scientifically and in proper

Chicago, May 18 .- The body of Otto Chicago, May 18.—The body of Otto Kroeschell, a wealthy manufacturer of boilers and machinery, has been found by dredgers at work on the Chicago river. The finding of the body ended a search by the police and relatives of Mr. Kroeschell that has lasted nine days. He had been missing since May 8, when he left his home to go to his office.